

**Commonwealth of Kentucky
Environmental and Public Protection Cabinet
Department for Environmental Protection
Division for Air Quality
803 Schenkel Lane
Frankfort, Kentucky 40601
(502) 573-3382**

Final

**AIR QUALITY PERMIT
Issued under 401 KAR 52:020**

Permittee Name: Newport Steel Corporation
Mailing Address: Ninth and Lowell Streets
Newport, Kentucky 41072

Source Name: Newport Steel Corporation-Wilder Plant
Mailing Address: Ninth and Lowell Streets
Newport, Kentucky 41072

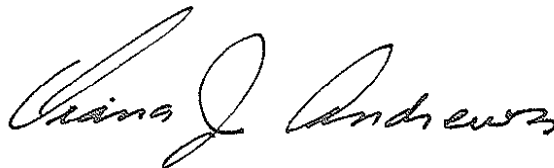
Source Location: Same as above

Permit Number: V-03-020
Source A. I. #: 613
Activity #: APE 20050003
Review Type: Title V/Synthetic Minor (revision 2)
Source ID #: 21-037-00006

Regional Office: Florence Regional Office
8020 Veteran's Memorial Drive
Florence, KY 41042
(859) 525 - 4923

County: Campbell

Application
Complete Date: May 12, 1998
Issuance Date: November 26, 2003
Revision Date: July 20, 2006
Expiration Date: November 26, 2008



**John S. Lyons, Director
Division for Air Quality**

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Definitions: The following definitions apply to all abbreviations and variables used in this permit:

PT – total particulate matter

PM10 – particulate matter equal to or smaller than 10 micrometers

CO – carbon monoxide

NO_x – nitrogen oxides

SO₂ – sulfur dioxide

Pb – lead

VOC – volatile organic compounds

| Rev # | Permit type | Log # | Complete Date | Issuance Date | Summary of Action |
|-------|--------------------------|----------------|---------------|---------------|--|
| --- | Initial Issuance | 50139 | 5/12/98 | 11/26/03 | Proposed Permit |
| 1 | Minor Modification | 50139 | 7/30/04 | 11/24/04 | Shutdown of the melt shop |
| 2 | Significant Modification | APE200 5003 | 12/20/05 | 7/20/06 | PSD netting for VOC emission points – Increase 16-inch pipe mill line production rate and operation flexibility by product mix, ie. Additional pipes |

SECTION A: PERMIT AUTHORIZATION

Pursuant to a duly submitted application the Kentucky Division for Air Quality hereby authorizes the operation of the equipment described herein in accordance with the terms and conditions of this permit. This permit has been issued under the provisions of Kentucky Revised Statutes Chapter 224 and regulations promulgated pursuant thereto.

The permittee shall not construct, reconstruct, or modify any affected facilities without first having submitted a complete application and received a permit for the planned activity from the permitting authority, except as provided in this permit or in 401 KAR 52:020, Title V Permits. Additionally, the permittee shall notify the Kentucky Division for Air Quality of changes to raw materials, process equipment, or emission release parameters, which would affect the odor characteristics or pollutant concentrations outside plant boundaries.

Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by this Cabinet or any other federal, state, or local agency.

SECTION B – AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS

08 (9) 8” Pipe Coating Line

Description: Continuous steel pipe coater using a clear coat lacquer to coat pipes between 4" and 8" diameter, with a maximum usage of 50,000 gallons of clear coat and solvent per year.

Control Device: None

Construction Commenced: 1976

APPLICABLE REGULATIONS:

401 KAR 61:132 Existing miscellaneous metal parts and products surface coating operations.

401 KAR 50:012 General application.

1. Operating Limitations:

- a. To preclude the applicability of control equipment requirements as per 401 KAR 61:132, VOC content shall not equal or exceed 0.52 kg/l of coating (4.3 lbs of VOC/gal of clear coating).
- b. Total coating usage shall be calculated by taking the total clear coat lacquer input to this emission point and subtracting any lacquer recovered from this emission point, up to a maximum of 10% of the lacquer input.

2. Emission Limitations: NA

3. Testing Requirements:

- a. A test of the clear coat lacquer used at this emission point, approved by the Division, shall be conducted within 3 months of issuance of this permit to determine that the VOC content is less than 0.52 kg/l of coating (4.3 lbs of VOC/gal of coating), excluding water or other exempt solvents or both.
- b. Results of this testing shall be used to verify that this coating qualifies for an exemption from Section 3 of Regulation 401 KAR 61:132, Existing miscellaneous metal parts and products surface coating operations.
- c. A test, approved by the Division, of any new compound used at these emission points shall be carried out prior to its use, to determine the VOC content of the compound.
- d. The chemical composition, submitted by the manufacturer of the compound, such as in an MSDS sheet, may substitute for a chemical analysis test if approved by the Division.

4. Specific Monitoring Requirements:

- a. The permittee shall monitor monthly coating and solvent usage.
- b. The permittee shall monitor and maintain a catalogue of MSDS for each coating used for the duration of this permit.

**SECTION B – AFFECTED FACILITIES, APPLICABLE REGULATIONS,
AND OPERATING CONDITIONS**

- c. Data provided by the manufacturer of the clear coat lacquer shall be monitored, for each shipment of clear coat received at the facility, to ensure that the VOC content is less than 0.52 kg/l of coating (4.3 lbs of VOC/gal of coating).
 - d. See **SECTION F** below.
5. **Specific Recordkeeping Requirements:** The following records shall be maintained by the source:
- a. Monthly coating and solvent usage (including any coating or solvent recovery).
 - b. VOC content of each coating or solvent used for the duration of this permit.
 - c. See **SECTION F** below.
6. **Specific Reporting Requirements:** See **SECTION F** below.
7. **Specific Control Equipment Operating Conditions:** NA

SECTION B – AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS**09 (10) 16" Pipe Coating Line**

Description: Continuous steel pipe coater using a clear coat lacquer to coat pipes between 4" and 16" diameter, with a VOC potential to emit limit to 76.1 tons per year.

Control Device: None

KyEIS stack ID # 10: Stack vents inside building and exhaust vents through roof monitor.

Concurrent flow water curtain is used to capture the paint overspray.

Construction Commenced: 1984

APPLICABLE REGULATIONS:

401 KAR 59:225 New miscellaneous metal parts and products surface coating operations.

1. **Operating Limitations:** To preclude the applicability of control equipment requirements as per 401 KAR 59:225, VOC content shall not equal or exceed 0.52 kg/l of coating (4.3 lbs of VOC/gal of clear coating).
2. **Emission Limitations:** VOC emissions from this point shall not exceed 76.1 tons per any 12 consecutive months period. Self-imposed to preclude 401 KAR 51:017 – PSD permits.

Compliance Demonstration: Compliance with the VOC limit above shall be determined by application of the following equation:

$$E_{VOC} = \sum_{i=1}^{12} \sum_{j=1}^n \frac{P_{ij} \cdot VOC_j}{2000}$$

Where E_{VOC} = 12-month rolling total VOC emissions (tons/year), i = month, j = coating, n = total number of coatings applied at this point, P_{ij} = coating j usage rate for month i (gals/month) and VOC_j = VOC content of coating j (lbs/gal).

3. **Testing Requirements:**
 - a. A test of the clear coat lacquer used at this emission point, approved by the Division, shall be conducted, within 3 months of issuance of this permit, to determine that the VOC content is less than 0.52 kg/l of coating (4.3 lbs of VOC/gal of coating), excluding water or other exempt solvents or both.
 - b. Results of this testing shall be used to verify that this coating qualifies for an exemption from Section 3 of Regulation 401 KAR 59:225, New miscellaneous metal parts and products surface coating operations.
 - c. A test, approved by the Division, of any new compound used at these emission points shall be carried out prior to its use, to determine the VOC content of the compound.
 - d. The chemical composition, submitted by the manufacturer of the compound, such as in an MSDS sheet, may substitute for a chemical analysis test if approved by the Division.

SECTION B – AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS

4. Specific Monitoring Requirements:

- a. The permittee shall monitor monthly and 12-month rolling total coating and solvent usage.
- b. The permittee shall monitor 12-month rolling total VOC emissions.
- c. The permittee shall monitor and maintain a catalogue of MSDS for each coating and solvent used for the duration of this permit.
- d. Data provided by the manufacturer of the clear coat lacquer shall be monitored, for each shipment of clear coat received at the facility, to ensure that the VOC content is less than 0.52 kg/l of coating (4.3 lbs of VOC/gal of coating).
- e. See **SECTION F** below.

5. Specific Recordkeeping Requirements: The following records shall be maintained by the source:

- a. Monthly coating and solvent usage (including any coating or solvent recovery).
- b. 12-month rolling total VOC emissions.
- c. Quantity, VOC content and date for the receipt or removal of any clear coat lacquer from the plant.
- d. VOC content of each coating used for the duration of this permit.
- e. Data provided by the manufacturer of the clear coat lacquer shall be monitored, for each shipment of clear coat received at the facility, to ensure that the VOC content is less than 0.52 kg/l of coating (4.3 lbs of VOC/gal of coating).
- f. See **SECTION F** below.

6. Specific Reporting Requirements: Any exceedance over the 12 month rolling total or VOC content of clear coat lacquer as stated in this permit shall be reported to the Division in accordance with **SECTION F**. Following the exceedance of VOC content the company shall submit a schedule for complying with 401 KAR 59:225.

7. Specific Control Equipment Operating Conditions: N/A

SECTION B – AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS

11 (12) Haul Roads

Description: This emission point includes various paved and unpaved roads within the plant boundaries used to transport equipment, material, personnel etc.

Control Device: None

Construction Commenced: 1984

APPLICABLE REGULATIONS:

401 KAR 63:010 Fugitive emissions.

1. **Operating Limitations:** NA
2. **Emission Limitations:** Visible fugitive dust emissions shall not be discharged beyond the lot line of the property.
3. **Testing Requirements:** NA
4. **Specific Monitoring Requirements:** Visual observations shall be made daily during operation of the affected facility to determine compliance with 2. **Emission Limitations** above.
5. **Specific Recordkeeping Requirements:** The permittee shall keep records of the dates that it swept, and applied water/dust suppressants to roadways, and these records shall be made available to Division personnel upon request.
6. **Specific Reporting Requirements:** Any exceedance in visible fugitive dust emissions standard specified in this permit shall be reported to the Division within 30 days.
7. **Specific Control Equipment Operating Conditions:** The permittee shall employ a combination of the following to control fugitive dust emissions: sweeping for paved roads, watering and the use of dust suppressants, and restricting vehicles' speed on unpaved roads. Records shall be kept of all such activities.

SECTION B – AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS

14 (-) Parts Washers (12)

Description: Cleaning of metal parts is most often done to remove soils, utilizing. Coated pipes are cleaned with Mineral Spirit.

Control Device: None

Construction Commenced: 1984

APPLICABLE REGULATIONS:

401 KAR 61:095 Existing solvent metal cleaning equipment.

1. **Operating Limitations:** To preclude the applicability of the control requirements per 401 KAR 61:095, the following conditions shall be satisfied for these units:
 - a. The cold cleaner shall have a remote solvent reservoir;
 - b. The solvent used in the cold cleaner shall not have a vapor pressure that exceeds 33 mm Hg measured at 100°F;
 - c. The cold cleaner solvent shall not be heated above 120°F;
 - d. The sink-like work area shall have an open drain area less than 100 sq. cm.; and,
 - e. Evidence shall be provided that waste solvent shall be stored properly and disposed of with minimal loss due to evaporation.
 - f. The permittee shall submit a notification and get an approval from the Division if the solvent vendor supplier or chemical composition changes prior to usage in the operation line.
2. **Emission Limitations:** NA
3. **Testing Requirements:** NA
4. **Specific Monitoring Requirements:**
 - a. The permittee shall monitor the maximum daily temperature of the solvent (heated sources only);
 - b. The permittee shall monitor the vapor pressure of any chemicals used in the cold cleaner.
 - c. The permittee shall keep records of the average monthly usage rates of cleaning solvent used and the corresponding MSDS.
5. **Specific Recordkeeping Requirements:** The following records shall be maintained by the source:
 - a. Daily maximum temperature of the solvent (heated sources only);
 - b. Vapor pressure of any chemicals used in the cold cleaner;
 - c. Information on the storage and disposal of the solvent sufficient to determine compliance with the requirements stated above.
 - d. A monthly log of the amount of solvent material used. All purchases orders, invoices, and other documents that support the information in the monthly log shall be given upon requested by the cabinet.

**SECTION B – AFFECTED FACILITIES, APPLICABLE REGULATIONS,
AND OPERATING CONDITIONS**

- e. Records of total VOC emissions shall be summarized each month and added to the previous eleven (11) months to provide a rolling average of actual emissions for each consecutive twelve (12) month period.

6. Specific Reporting Requirements: Any exceedance of the vapor pressure limit listed above shall be reported to the Division as promptly as possible. In addition, any exceedance of the temperature limit listed above shall be reported to the Division as promptly as possible.

7. Specific Control Equipment Operating Conditions: NA

SECTION B – AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS

15 (-) Cooling Towers (2)

APPLICABLE REGULATIONS: None

1. **Operating Limitations:** No chromium-based water treatment chemicals shall be used in the industrial process cooling towers.
2. **Emission Limitations:** NA
3. **Testing Requirements:** NA
4. **Specific Monitoring Requirements:** NA
5. **Specific Record Keeping Requirements:** Records shall be maintained of the chemicals (MSDS sheets) for any water treatment chemical used in the cooling towers.
6. **Specific Reporting Requirements:** Any water treatment chemical that is used in the cooling tower and is later found to have chromium should be reported to the Division within 3 days.
7. **Specific Control Equipment Conditions:** NA

SECTION C – INSIGNIFICANT ACTIVITIES

The following listed activities have been determined to be insignificant activities for this source pursuant to 401 KAR 52:020, Section 6. While these activities are designated as insignificant the permittee must comply with the applicable regulation and some minimal level of periodic monitoring may be necessary.

| Description | Generally Applicable Regulation |
|---|---------------------------------|
| 1. Hydraulic oil tank | None |
| 2. Lubricating oil tanks | None |
| 3. Paint sticks for marking coils/Paint cans | None |
| 4. Torch cutting of steel | None |
| 5. Kerosene degreasing | None |
| 6. Waste lube oil tank | None |
| 7. 200KW Generator (NG) | None |
| 8. 300 KW portable generator | None |
| 9. Portable generator, backup | None |
| 10. Spaceheaters (NG/propane) | None |
| 11. Gasoline dispensing | None |
| 12. Diesel tank | None |
| 13. Kerosene storage tanks | None |
| 14. Water heaters | None |
| 15. Fabrication shop | None |
| 16. Mobile welding/cutting | 401 KAR 59:010 |
| 17. Generators | None |
| 18. Spaceheaters (propane) | None |
| 19. Electric resistance welding (pipe mills) | None |
| 20. Oil/water separators | None |
| 21. Pipe stenciling | None |
| 22. Kerosene cleaning of reamers (pipe mill) | None |
| 23. Maintenance welding/grinding/sanding/painting | None |
| 24. Kerosene storage tank | None |

SECTION C – INSIGNIFICANT ACTIVITIES

| | |
|--|--------------|
| 25. Cutting of railroad cars | None |
| 26. Oil storage tanks (numerous small tanks) | None |
| 27. Pipe reamers | None |
| 28. Scrap handling | 401KAR63:010 |
| 29. Mill scale handling | 401KAR63:010 |
| 30. Pipe handling | 401KAR63:010 |
| 31. Maintenance shop | 401KAR63:010 |
| 32. Fabrication shop | 401KAR63:010 |
| 33. Cooling pond | None |

SECTION D – SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS

1. As required by Section 1b of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26; compliance with annual emissions and processing limitations contained in this permit, shall be based on emissions and processing rates for any twelve (12) consecutive months.
2. PM/PM₁₀ and VOC emissions, measured by applicable reference methods, or an equivalent or alternative method specified in 40 C.F.R. Chapter I, or by a test method specified in the state implementation plan shall not exceed the respective limitations specified herein.

PLANT-WIDE REQUIREMENTS:

The electric arc furnace, ladle metallurgical furnace, continuous caster, reheat furnace, soaking pits, ingot teeming operation, and two boilers, that were removed from service at the plant, shall not be operated without a construction permit from the Division. Restarting operation of any of these units shall be considered to be a new construction.

The permittee shall take reasonable precautions to prevent particulate fugitive dust emissions from becoming airborne. Visible fugitive dust emissions beyond the property line are prohibited (401 KAR 63:010)

SECTION E – SOURCE CONTROL EQUIPMENT REQUIREMENTS

Pursuant to 401 KAR 50:055, Section 2(5), at all times, including periods of startup, shutdown and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Division which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

SECTION F – MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS

1. Pursuant to Section 1b (IV)1 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26, when continuing compliance is demonstrated by periodic testing or instrumental monitoring, the permittee shall compile records of required monitoring information that include:
 - a. Date, place (as defined in this permit), and time of sampling or measurements;
 - b. Analyses performance dates;
 - c. Company or entity that performed analyses;
 - d. Analytical techniques or methods used;
 - e. Analyses results; and
 - f. Operating conditions during time of sampling or measurement.
2. Records of all required monitoring data and support information, including calibrations, maintenance records, and original strip chart recordings, and copies of all reports required by the Division for Air Quality, shall be retained by the permittee for a period of five years and shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality [Sections 1b(IV) 2 and 1a(8) of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
3. In accordance with the requirements of 401 KAR 52:020 Section 3(1)h the permittee shall allow authorized representatives of the Cabinet to perform the following during reasonable times:
 - a. Enter upon the premises to inspect any facility, equipment (including air pollution control equipment), practice, or operation;
 - b. To access and copy any records required by the permit;
 - c. Sample or monitor, at reasonable times, substance or parameters to assure compliance with the permit or any applicable requirements (reasonable times are defined as during all hours of operation, during normal office hours, or during and emergency).
4. No person shall obstruct, hamper, or interfere with any Cabinet employee or authorized representative while in the process of carrying out official duties. Refusal of entry or access may constitute grounds for permit revocation and assessment of civil penalties.

SECTION F – MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS

5. Summary reports of any monitoring required by this permit, other than continuous emission or opacity monitors, shall be submitted to the Regional Office listed on the front of this permit at least every six (6) months during the life of this permit, unless otherwise stated in this permit. For emission units that were still under construction or which had not commenced operation at the end of the 6-month period covered by the report and are subject to monitoring requirements in this permit, the report shall indicate that no monitoring was performed during the previous six months because the emission unit was not in operation [Section 1b (V)1 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
6. The semi-annual reports are due by January 30th and July 30th of each year. All reports shall be certified by a responsible official pursuant to 401 KAR 52:020 Section 23. All deviations from permit requirements shall be clearly identified in the reports.
7. In accordance with the provisions of 401 KAR 50:055, Section 1 the owner or operator shall notify the Regional Office listed on the front of this permit concerning startups, shutdowns, or malfunctions as follows:
 - a. When emissions during any planned shutdowns and ensuing startups will exceed the standards notification shall be made no later than three (3) days before the planned shutdown, or immediately following the decision to shut down, if the shutdown is due to events which could not have been foreseen three (3) days before the shutdown.
 - b. When emissions due to malfunctions, unplanned shutdowns and ensuing startups are or may be in excess of the standards notification shall be made as promptly as possible by telephone (or other electronic media) and shall submit written notice upon request.
8. The owner or operator shall report emission related exceedances from permit requirements including those attributed to upset conditions (other than emission exceedances covered by Section F.7. above) to the Regional Office listed on the front of this permit within 30 days. Other deviations from permit requirements shall be included in the semiannual report required by Section F.6 [Section 1b (V) 3, 4. of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
9. Pursuant to 401 KAR 52:020, Permits, Section 21, the permittee shall annually certify compliance with the terms and conditions contained in this permit, by completing and returning a Compliance Certification Form (DEP 7007CC) (or an alternative approved by the regional office) to the Regional Office listed on the front of this permit and the U.S. EPA in accordance with the following requirements:
 - a. Identification of each term or condition;

SECTION F – MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS

- b. Compliance status of each term or condition of the permit;
- c. Whether compliance was continuous or intermittent;
- d. The method used for determining the compliance status for the source, currently and over the reporting period.
- e. For an emissions unit that was still under construction or which has not commenced operation at the end of the 12-month period covered by the annual compliance certification, the permittee shall indicate that the unit is under construction and that compliance with any applicable requirements will be demonstrated within the timeframes specified in the permit.
- f. The certification shall be postmarked by January 30th of each year. **Annual compliance certifications should be mailed to the following addresses:**

Division for Air Quality
Florence Regional Office
802 Veterans Memorial Drive
Suite 110
Florence, KY 41042

Division for Air Quality
Central Files
803 Schenkel Lane
Frankfort, KY 40601

- 10. In accordance with 401 KAR 52:020, Section 22, the permittee shall provide the Division with all information necessary to determine its subject emissions within thirty (30) days of the date the KYEIS emission survey is mailed to the permittee.
- 11. Pursuant to Section VII (3) of the policy manual of the Division for Air Quality as referenced in 401 KAR 50:016, Section 1(1), results of performance test(s) required by the permit shall be submitted to the Division by the source or its representative within forty-five days after the completion of the fieldwork.

SECTION G – GENERAL CONDITIONS

1. General Compliance Requirements

- a. The permittee shall comply with all conditions of this permit. Noncompliance shall be a violation of 401 KAR 52:020 and of the Clean Air Act and is grounds for enforcement action including but not limited to termination, revocation and reissuance, revision or denial of a permit [Section 1a, 3 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020 Section 26].
- b. The filing of a request by the permittee for any permit revision, revocation, reissuance, or termination, or of a notification of a planned change or anticipated noncompliance, shall not stay any permit condition [Section 1a, 6 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
- c. This permit may be revised, revoked, reopened and reissued, or terminated for cause in accordance with 401 KAR 52:020, Section 19. The permit will be reopened for cause and revised accordingly under the following circumstances:
 - i. If additional applicable requirements become applicable to the source and the remaining permit term is three (3) years or longer. In this case, the reopening shall be completed no later than eighteen (18) months after promulgation of the applicable requirement. A reopening shall not be required if compliance with the applicable requirement is not required until after the date on which the permit is due to expire, unless this permit or any of its terms and conditions have been extended pursuant to 401 KAR 52:020, Section 12;
 - ii. The Cabinet or the U. S. EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements;
 - iii. The Cabinet or the U. S. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
- d. Proceedings to reopen and reissue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Re-openings shall be made as expeditiously as practicable. Re-openings shall not be initiated before a notice of intent to reopen is provided to the source by the Division, at least thirty (30) days in advance of the date the permit is to be reopened, except that the Division may provide a shorter time period in the case of an emergency;
- e. The permittee shall furnish information upon request of the Cabinet to determine if cause exists for modifying, revoking and reissuing, or terminating the permit; or compliance with the conditions of this permit [Section 1a, 7,8 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].

SECTION G – GENERAL CONDITIONS

- f. The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such facts or corrected information to the permitting authority [401 KAR 52:020, Section 7(1)].
- g. Any condition or portion of this permit which becomes suspended or is ruled invalid as a result of any legal or other action shall not invalidate any other portion or condition of this permit [Section 1a, 14 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
- h. The permittee shall not use as a defense in an enforcement action the contention that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance [Section 1a, 4 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
- i. Except for requirements identified in this permit as state-origin requirements, all terms and conditions shall be enforceable by the United States Environmental Protection Agency and citizens of the United States [Section 1a, 15 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
- j. This permit shall be subject to suspension if the permittee fails to pay all emissions fees within 90 days after the date of notice as specified in 401 KAR 50:038, Section 3(6) [Section 1a, 10 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
- k. Nothing in this permit shall alter or affect the liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance [401 KAR 52:020, Section 11(3)(b)].
- l. This permit does not convey property rights or exclusive privileges [Section 1a, 9 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
- m. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by the Kentucky Cabinet for Environmental and Public Protection or any other federal, state, or local agency.
- n. Nothing in this permit shall alter or affect the authority of U.S. EPA to obtain information pursuant to Federal Statute 42 USC 7414, Inspections, monitoring, and entry [401 KAR 52:020, Section 11(3)(d)].
- o. Nothing in this permit shall alter or affect the authority of U.S. EPA to impose emergency orders pursuant to Federal Statute 42 USC 7603, Emergency orders [401 KAR 52:020, Section 11(3)(a)].

SECTION G – GENERAL CONDITIONS

- p. This permit consolidates the authority of any previously issued PSD, NSR, or Synthetic minor source preconstruction permit terms and conditions for various emission units and incorporates all requirements of those existing permits into one single permit for this source.
- q. Pursuant to 401 KAR 52:020, Section 11, a permit shield shall not protect the owner or operator from enforcement actions for violating an applicable requirement prior to or at the time of issuance. Compliance with the conditions of a permit shall be considered compliance with:
 - i. Applicable requirements that are included and specifically identified in the permit; and
 - ii. Non-applicable requirements expressly identified in this permit.

2. Permit Expiration and Reapplication Requirements

- a. This permit shall remain in effect for a fixed term of five (5) years following the original date of issue. Permit expiration shall terminate the source's right to operate unless a timely and complete renewal application has been submitted to the Division at least six months prior to the expiration date of the permit. Upon a timely and complete submittal, the authorization to operate within the terms and conditions of this permit, including any permit shield, shall remain in effect beyond the expiration date, until the renewal permit is issued or denied by the Division [401 KAR 52:020, Section 12].
- b. The authority to operate granted shall cease to apply if the source fails to submit additional information requested by the Division after the completeness determination has been made on any application, by whatever deadline the Division sets [401 KAR 52:020 Section 8(2)].

3. Permit Revisions

- a. A minor permit revision procedure may be used for permit revisions involving the use of economic incentive, marketable permit, emission trading, and other similar approaches, to the extent that these minor permit revision procedures are explicitly provided for in the SIP or in applicable requirements and meet the relevant requirements of 401 KAR 52:020, Section 14(2).
- b. This permit is not transferable by the permittee. Future owners and operators shall obtain a new permit from the Division for Air Quality. The new permit may be processed as an administrative amendment if no other change in this permit is necessary, and provided that a written agreement containing a specific date for transfer of permit responsibility coverage and liability between the current and new permittee has been submitted to the permitting authority within ten (10) days following the transfer.

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4. Acid Rain Program Requirements

If an applicable requirement of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act) is more stringent than an applicable requirement promulgated pursuant to Federal Statute 42 USC 7651 through 7651o (Title IV of the Act), both provisions shall apply, and both shall be state and federally enforceable.

5. Emergency Provisions

- a. Pursuant to 401 KAR 52:020 Section 24(1), an emergency shall constitute an affirmative defense to an action brought for the noncompliance with the technology-based emission limitations if the permittee demonstrates through properly signed contemporaneous operating logs or relevant evidence that:
 - i. An emergency occurred and the permittee can identify the cause of the emergency;
 - ii. The permitted facility was at the time being properly operated;
 - iii. During an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and,
 - iv. Pursuant to 401 KAR 52:020, 401 KAR 50:055, and KRS 224.01-400, the permittee notified the Division as promptly as possible and submitted written notice of the emergency to the Division when emission limitations were exceeded due to an emergency. The notice shall include a description of the emergency, steps taken to mitigate emissions, and corrective actions taken.
 - v. This requirement does not relieve the source of other local, state or federal notification requirements.
- b. Emergency conditions listed in General Condition 6(a) above are in addition to any emergency or upset provision(s) contained in an applicable requirement [401 KAR 52:020, Section 24(3)].
- c. In an enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof [401 KAR 52:020, Section 24(2)].

6. Risk Management Provisions

- a. The permittee shall comply with all applicable requirements of 401 KAR Chapter 68, Chemical Accident Prevention, which incorporates by reference 40 CFR Part 68, Risk Management Plan provisions. If required, the permittee shall comply with the Risk Management Program and submit a Risk Management Plan to:

RMP Reporting Center
P.O. Box 3346
Merrifield, VA, 22116-3346

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- b. If requested, the permittee shall submit additional relevant information to the Division or the U.S. EPA.

7. Ozone Depleting Substances

- a. The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:
 - i. Persons opening appliances for maintenance, service, repair, or disposal shall comply with the required practices contained in 40 CFR 82.156.
 - ii. Equipment used during the maintenance, service, repair, or disposal of appliances shall comply with the standards for recycling and recovery equipment contained in 40 CFR 82.158.
 - iii. Persons performing maintenance, service, repair, or disposal of appliances shall be certified by an approved technician certification program pursuant to 40 CFR 82.161.
 - iv. Persons disposing of small appliances, MVACs, and MVAC-like appliances (as defined at 40 CFR 82.152) shall comply with the record keeping requirements pursuant to 40 CFR 82.166.
 - v. Persons owning commercial or industrial process refrigeration equipment shall comply with the leak repair requirements pursuant to 40 CFR 82.156.
 - vi. Owners/operators of appliances normally containing 50 or more pounds of refrigerant shall keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.
- b. If the permittee performs service on motor (fleet) vehicle air conditioners containing ozone-depleting substances, the source shall comply with all applicable requirements as specified in 40 CFR 82, Subpart B, *Servicing of Motor Vehicle Air Conditioners*.

SECTION H – ALTERNATE OPERATION SCENARIOS

NA

SECTION I – COMPLIANCE SCHEDULE

NA